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10 Attorneys for Defendant  
EUROMARKET DESIGNS, INC.  
d/b/a CRATE & BARREL  
11

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 NANCY DARDARIAN, individually and  
16 on behalf of all others similarly situated,  
17 Plaintiffs,

18 v.  
19 EUROMARKET DESIGNS, INC. d/b/a  
CRATE & BARREL, an Illinois  
corporation,  
20 Defendant.

Case No. 3:11-cv-00945-JSW

**CLASS ACTION**

**STIPULATION AND [Proposed]  
ORDER STAYING PROCEEDINGS  
PENDING DECISION ON  
DEFENDANT'S MOTION TO  
TRANSFER CASES PURSUANT TO 28  
U.S.C. § 1407 FOR COORDINATED  
OR CONSOLIDATED PRETRIAL  
PROCEEDINGS**

Complaint Filed: March 1, 2011

1           WHEREAS, on March 1, 2011, Plaintiff Nancy Dardarian ("Plaintiff") filed  
2 her Complaint against Defendant Euromarket Designs, Inc. d/b/a Crate & Barrel ("Crate &  
3 Barrel") in the above-captioned case, *Dardarian v. Crate & Barrel*, Case No. 3:11-cv-  
4 00945-JSW (N.D. Cal.) ("Dardarian");

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6           WHEREAS, the following five related cases have also been filed against  
7 Crate & Barrel:

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9       1.     *O'Connor v. Crate & Barrel*, Case No. 3:11-cv-02140-SC (N.D. Cal.)  
10           ("O'Connor")

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12      2.     *Campbell v. Crate & Barrel*, Case No. 3:11-cv-01368-JSW (N.D. Cal.)  
13           ("Campbell")

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15      3.     *Salmonson v. Crate & Barrel*, Case No. 2:11-cv-02446-PSG -PLA (C.D.  
16           Cal.) ("Salmonson")

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18      4.     *Heon v. Crate & Barrel*, Case No. 3:11-cv-00769-JLS -BGS (S.D. Cal.)  
19           ("Heon")

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21      5.     *Shughrou v. Crate & Barrel*, Case No. 4:11-cv-02325-LB (N.D. Cal.)  
22           ("Shughrou");

23  
24           WHEREAS, plaintiffs in all six of these actions purport to represent a class  
25 of California consumers and allege that Crate & Barrel unlawfully requested and recorded  
26 personal identification information from customers who purchased goods using credit  
27 cards at Crate & Barrel's retail establishments;

1           WHEREAS, plaintiffs in all six actions allege that this practice violates  
2 California Civil Code § 1747.08 (the "Song-Beverly Credit Card Act" or "Act");  
3

4           WHEREAS, all six actions will require a court to resolve nearly identical  
5 factual issues relating to a single common defendant, Crate & Barrel;  
6

7           WHEREAS, the parties agree that centralization of all six actions for  
8 coordinated or consolidated pretrial proceedings is proper under 28 U.S.C. § 1407, because  
9 they share common factual questions, and also because centralization would be convenient  
10 and would promote the just and efficient conduct of pretrial proceedings;

11

12           WHEREAS, on May 11, 2011, before the United States Judicial Panel on  
13 Multidistrict Litigation ("JPML"), Crate & Barrel filed a Motion to Transfer *Heon,*  
14 *Dardarian, O'Connor, Campbell and Salmonson* for coordinated or consolidated pretrial  
15 proceedings pursuant to 28 U.S.C. § 1407;

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17           WHEREAS, on May 31, 2011, Crate & Barrel filed a Notice of Tag-Along  
18 Action before the JPML seeking to centralize *Shughrou* together with the actions already  
19 encompassed by its Motion to Transfer;

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21           WHEREAS, all six actions are likely to be centralized because they share  
22 common factual questions, and also because centralization would be convenient and would  
23 promote the just and efficient conduct of pretrial proceedings. *See, e.g., In re Payless*  
24 *Shoessource, Inc., California Song-Beverly Credit Card Act Litig.*, 609 F. Supp. 2d 1372  
25 (J.P.M.L. 2009) (centralizing two putative class actions alleging identical violations of the  
26 Song-Beverly Credit Card Act).

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28

1           WHEREAS, conducting pretrial proceedings while Crate & Barrel's Motion  
 2 to Transfer is pending would impose an undue burden on the parties and the Court if the  
 3 JPML ultimately grants Crate & Barrel's Motion to Transfer, because any pretrial  
 4 proceedings conducted now would likely be wasted or need to be repeated;

5

6           WHEREAS, neither party will suffer any prejudice, hardship or inequity if  
 7 these proceedings are stayed pending the JPML's decision on Crate & Barrel's Motion to  
 8 Transfer;

9

10          WHEREAS, the Court has the inherent power to stay all proceedings  
 11 pending the JPML's decision on Crate & Barrel's Motion to Transfer;

12

13          WHEREAS, staying all proceedings pending the JPML's decision on Crate  
 14 & Barrel's Motion to Transfer would serve the interests of judicial economy and  
 15 efficiency, for all the reasons discussed above;

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17          WHEREAS, courts routinely stay all proceedings pending the JPML's  
 18 determination of a motion to transfer based on the likelihood of transfer, the absence of  
 19 prejudice, and the interests of judicial economy and efficiency. *See, e.g., Clark v. Payless  
 20 Shoesource, Inc.*, Case No. 08-CV-08213 (C.D. Cal. Order filed Dec. 29, 2008) (entering  
 21 stipulated order staying all proceedings in a putative class action alleging violations of the  
 22 Song-Beverly Credit Card Act); *Oregon ex rel. Kroger v. Johnson & Johnson*, Case No.  
 23 11-CV-86-AC, 2001 U.S. Dist. LEXIS 39187 (D. Or., Apr. 8, 2011) (granting motion to  
 24 stay pending JPML decision on motion to transfer); *Barnes v. Equinox Group, Inc.*, Case  
 25 No. C 10-03586, 2010 U.S. Dist. LEXIS 138863 (N.D. Cal., Dec. 30, 2010) (same);  
 26 *Cottle-Banks v. Cox Communications, Inc.*, Case No. 10-cv-2133, 2010 U.S. Dist. LEXIS  
 27 138195 (S.D. Cal., Dec. 30, 2010) (same); *Gordillo v. Bank of Am.*, Case No. 1:09-cv-  
 28 01954, 2010 U.S. Dist. LEXIS 7954 (E.D. Cal., Jan. 13, 2010) (same); *Sanborn v.*

1 *Asbestos Corp., Ltd.*, Case No. C 08-5260, 2009 U.S. Dist. LEXIS 7528 (N.D. Cal., Jan.  
2 27, 2009) (same); *Lyman v. Asbestos Defendants (B\*P)*, Case No. C 07-4240, 2007 U.S.  
3 Dist. LEXIS 78766 (N.D. Cal., Oct. 10, 2007) (same); *Nielsen v. Merck and Co.*, Case No.  
4 C 07-00076, 2007 U.S. Dist. LEXIS 21250 (N.D. Cal., Mar. 15, 2007) (same); *Collum v.*  
5 *AstraZeneca Pharm., L.P.*, Case No. C 06-0662, 2006 U.S. Dist. LEXIS 64861 (N.D. Cal.,  
6 Aug. 29, 2006) (same); *Rivers v. The Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal.  
7 1997) (granting motion to stay pending JPML decision on motion to transfer, holding:  
8 "[I]t appears that a majority of courts have concluded that it is often appropriate to stay  
9 preliminary pretrial proceedings while a motion to transfer and consolidate is pending with  
10 the MDL Panel because of the judicial resources that are conserved.");

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12               NOW THEREFORE, it is stipulated by the undersigned counsel on behalf of  
13 the parties below, and subject to the Court's approval, that:

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15               All proceedings in this action are stayed pending the JPML's decision on  
16 Crate & Barrel's Motion to Transfer Cases for Consolidated or Coordinated Pretrial  
17 Proceedings (MDL No. 2260).

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19               **IT IS SO STIPULATED.**

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21 Dated: June 1, 2011

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HOFFMAN & LAZEAR

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By

*s/ Chad A. Saunders*

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H. TIM HOFFMAN  
ARTHUR W. LAZEAR  
CHAD A. SAUNDERS

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Attorneys for Plaintiff  
NANCY DARDARIAN

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1 Dated: June 1, 2011

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3

4 By

*s/ Elizabeth S. Berman*

5 P. CRAIG CARDON

6 DAVID R. GARCIA

7 BRIAN R. BLACKMAN

ELIZABETH S. BERMAN

8 Attorneys for Defendant  
9 EUROMARKET DESIGNS, INC.  
d/b/a CRATE & BARREL

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12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13 Dated: June 2, 2011

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Jeffrey S. White

16 United States District Judge  
17 Northern District of California

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